

Cestone, Paul

From: Awoniyi, Oladele
Sent: Tuesday, September 20, 2022 9:49 AM
To: Cestone, Paul; Vendinello, Lynn
Cc: Ingram, Earl
Subject: RE: FOIA update

Good morning Lynn,

The request EPA-HQ-2016-002082 was appealed, so there would most likely be records outside that of the caseworker associated with the request.

Thanks

Dele Awoniyi |
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Public Information & Records Integrity Branch
Communications Services and Information Division
U.S. Environmental Protection Agency | [\(202\) 564-0740](tel:(202)564-0740)

From: Cestone, Paul <Cestone.Paul@epa.gov>
Sent: Tuesday, September 20, 2022 9:41 AM
To: Vendinello, Lynn <Vendinello.Lynn@epa.gov>
Cc: Ingram, Earl <Ingram.Earl@epa.gov>; Awoniyi, Oladele <Awoniyi.Oladele@epa.gov>
Subject: RE: FOIA update

Good Morning, Lynn,

I'll consult with Earl and Dele regarding your assessment and work to see how to address the FOIA for closeout per your recommendation.

Paul

From: Vendinello, Lynn <Vendinello.Lynn@epa.gov>
Sent: Tuesday, September 20, 2022 9:35 AM
To: Cestone, Paul <Cestone.Paul@epa.gov>
Cc: Ingram, Earl <Ingram.Earl@epa.gov>; Awoniyi, Oladele <Awoniyi.Oladele@epa.gov>
Subject: RE: FOIA update
Importance: High

Thanks Paul, personally I don't think an e-discovery search is worth it. We rarely talk about FOIA results in an email. We didn't talk about this FOIA with the FOIA office or any outside party. My recommendation would be to close it out with no records. We have such a backlog of relativity reviews it would be at least a year before we got anything which is likely to be nothing.

From: Cestone, Paul <Cestone.Paul@epa.gov>
Sent: Monday, September 19, 2022 4:34 PM

To: Vendinello, Lynn <Vendinello.Lynn@epa.gov>

Cc: Ingram, Earl <Ingram.Earl@epa.gov>; Awoniyi, Oladele <Awoniyi.Oladele@epa.gov>

Subject: FOIA update

Good afternoon, Lynn,

First, FOIA Request EPA-2022-003682, Hawkins, tomorrow is the third day + of the awareness review. As such, to be ready to close out 003682 I provide you both the Word document and the .pdf of the closeout letter. See attached. I will load the letter once signed and close the FOIA immediately thereafter.

Second, regarding closing out FOIA 2020-000588 by tomorrow, September 20, I'm afraid that deadline won't be met.

The requester, DesRoches, requested the following:

Requesting all processing notes and internal communications regarding FOIA request: EPA-HQ-2016-002082, including any communications regarding the request between the EPA FOIA office and any other public agency, and any communications between the EPA FOIA office and any external private company or person, including employees or representatives of "Monsanto", "Solutia", and "Pharmacia". [Clarification on November 20, 2019]: I'm looking for all email communications from the date of the filing of EPA-HQ-2016-002082 (REQUEST), which was December 14, 2015, to the date the request was closed out by the EPA, which was September 5, 2019, in which it was indicated that there were no responsive records to EPA-HQ-2016-002082. All internal and external email communications that referenced the Request would be responsive to this new records request.

While most of the email communications the requester is requesting was essentially my email communications with various recipients that would show how we/I searched for the documents in Mr. DesRoches initial FOIA (the grayed-out text above), Mr. DesRoches also added the (yellowed) text that could be interpreted, again as my communications with various recipients that indicated that there were no responsive records.

However, the request could also be interpreted that the search should include any communication back to me or to others noted in the request.

A consultation with Dele resulted in the thinking that to make sure this request was addressed without issue, we really should respond to the FOIA based on this second reading of the request. To accommodate this request for material, an E-Discovery/Relativity search would be warranted.

Further, as it turns out, emails generated before 2018 are not readily available and would require a request for access through the appropriate channels.

So, this background information relating to FOIA EPA-2020-000588 results in the unfortunate conclusion that it would be impossible to meet a closeout deadline for this FOIA for September 20, 2022.

If it is also a matter of my reassignment and removal from further FOIA processing, I'd recommend that the FOIA be reassigned to Dele, or Jeff, or Conner, or Michael. Though I'd be officially reassigned I would be available to assist or to consult with the assigned person for this FOIA.

I recognize that another closed out FOIA before the fiscal year rolls around would be nice to achieve, but I'm afraid this FOIA still requires more processing before closure can occur.

Paul Cestone

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